

PART II - CODE OF ORDINANCES
Chapter 26 - ENVIRONMENT, LITTER, VANDALISM AND POLLUTION

ARTICLE VI. - REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY

ARTICLE VI. - REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY ^[15]

[Sec. 26-179. - Accumulation of refuse and debris declared public nuisance; abatement.](#)

[Sec. 26-180. - Dead trees declared public nuisance; abatement.](#)

[Sec. 26-181. - Accumulation of weeds and undergrowth declared public nuisance; abatement.](#)

[Sec. 26-182. - Responsibility of property owner and persons in possession of property.](#)

[Sec. 26-183. - Property conditions prohibited.](#)

[Sec. 26-184. - Procedure for notice of violation; definitions.](#)

[Sec. 26-185. - Chronic violator defined; notice of violation; remedies.](#)

[Sec. 26-186. - Hearing and appeal; city self help remedy.](#)

[Sec. 26-187. - Collection of cost of enforcement.](#)

[Sec. 26-188. - Remedies.](#)

[Sec. 26-189. - Criminal penalties.](#)

[Sec. 26-190. - Civil penalty.](#)

[Sec. 26-191. - Administrative fee.](#)

[Secs. 26-192—26-218. - Reserved.](#)

Sec. 26-179. - Accumulation of refuse and debris declared public nuisance; abatement.

It is found and determined that there exist in the city lots and tracts of land, occupied and unoccupied, privately and publicly owned, upon which refuse and debris have been allowed to accumulate and remain. Such conditions provide a harborage for rodents, vermin, mosquitoes and other pests, depreciate property values of neighboring properties, constitute a detriment, danger or hazard to the health, safety and welfare of the residents of the city, and are hereby declared to be a public nuisance. A public necessity exists to exercise the police power of the city to cause the abatement of such conditions in the manner hereinafter provided.

(Code 1982, § 10-120; Ord. No. 6775, § 1, 9-3-1985)

Sec. 26-180. - Dead trees declared public nuisance; abatement.

It is also found and determined that there exist in the city lots and tracts of land, occupied and unoccupied, privately and publicly owned, upon which dead trees of sufficient size and proximity to a public street or sidewalk have been allowed to remain such that the trees, or limbs therefrom, upon falling, could interfere with the free and safe passage along the street or sidewalk by pedestrians or vehicular traffic. Such conditions constitute a detriment, danger or hazard to the health, safety and welfare of the residents of the city and are hereby declared to be a public nuisance. A public necessity exists to exercise the police power of the city to cause the abatement of such conditions in the manner hereinafter provided.

(Code 1982, § 10-121; Ord. No. 6775, § 1, 9-3-1985)

PART II - CODE OF ORDINANCES
Chapter 26 - ENVIRONMENT, LITTER, VANDALISM AND POLLUTION

ARTICLE VI. - REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY

Sec. 26-181. - Accumulation of weeds and undergrowth declared public nuisance; abatement.

It is further found and determined that there exist in the city lots and tracts of land, occupied and unoccupied, privately and publicly owned, upon which dense growths of weeds, vines, briars or undergrowth have been allowed to grow, accumulate or remain. Where such conditions provide a harborage for rodents, vermin, mosquitoes or other pests, exist in such proximity to houses and other structures as to increase the hazards of disease, injury or fire, or otherwise constitute a detriment, danger or hazard to the health, safety and welfare of the residents of the city, they are hereby declared to be a public nuisance. Under such circumstances, a public necessity exists to exercise the police power of the city to cause the abatement of such public nuisance in the manner hereinafter provided.

(Code 1982, § 10-122; Ord. No. 6775, § 1, 9-3-1985)

Sec. 26-182. - Responsibility of property owner and persons in possession of property.

It shall be unlawful for any person to keep or maintain any real property in a condition prohibited by this article.

(Code 1982, § 10-123; Ord. No. 6775, § 1, 9-3-1985)

Sec. 26-183. - Property conditions prohibited.

The following enumerated and described conditions are prohibited:

- (1) A place upon which refuse or debris is permitted or caused to accumulate. The term "refuse or debris" shall be taken to refer to all classifications of solid waste and shall include garbage, rubbish, ashes, street refuse, dead animals, abandoned automobiles and industrial refuse. Refuse derives from such places as homes, hotels, institutions, stores, restaurants, markets, wholesalers, processing plants, factories, shops, garages, office buildings, streets, sidewalks, alleys, vacant lots, power plants and the like. Provided, however this section does not apply to:
 - a. Industrial refuse temporarily stored within a delineated storage area for purposes of refuse or disposal;
 - b. Building rubbish temporarily stored in a confined area on construction sites during construction;
 - c. Sites approved by the state as sanitary landfills, provided such sites comply with state landfill rules and regulations; and
 - d. Salvage or junk operations carried on in compliance with the UDO.
- (2) Where found to constitute a public nuisance under the provisions of this article, a place of dense growth of weeds, grass, vines, or briars over 12 inches in height, and within either 100 feet of an abutting public street or 50 feet of a house or other residential, commercial or industrial building; provided, however, the term building shall not include detached structures which are accessory to a dwelling unit or other residential, commercial or industrial building. The weeds, grass, vines or briars constituting a prohibited condition described by this subsection shall be cleared and cut to not more than six inches in height.
- (3) A place upon which any dead tree, under the circumstances specified in [section 26-180](#) been allowed to remain.
- (4) No person shall place or allow to remain exposed to the elements, whether outdoors or within an enclosed porch or similar area, any chair, sofa, bed, table or similar furniture, which is not

PART II - CODE OF ORDINANCES
Chapter 26 - ENVIRONMENT, LITTER, VANDALISM AND POLLUTION

ARTICLE VI. - REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY

designed and intended for outdoor use and which is thereby readily susceptible to deterioration. This section shall not apply to furniture which is placed outside as refuse for collection and disposal.

(Code 1982, § 10-124; Ord. No. 6775, § 1, 9-3-1985; Ord. No. 14272, § 1, 6-4-2012)

Sec. 26-184. - Procedure for notice of violation; definitions.

- (a) When any condition prohibited by this article is found to exist, the housing code administrator shall send to the owner of the property a notice of the violation by first class mail. In addition, on the same date of mailing, notice shall be posted in a conspicuous place on the property. The housing code administrator shall develop a policy for posting the notice. The notice shall include the following:
- (1) The property location and a description of the prohibited conditions found to exist.
 - (2) An order that the owner correct the conditions within ten days from mailing and posting of the notice; provided, however, the housing code administrator may extend the time for correcting said conditions for a period not to exceed ten additional days, where he or she finds such extension to be necessary and reasonable.
 - (3) An explanation of the hearing and appeal procedure set forth in [section 26-186](#)

If the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then a summary of the notice shall be published one time in a newspaper of general distribution in the city. In addition, the notice shall be posted on the property in question.

- (b) The term "property owner" or "owner of property," when used in this article, means the holder of the title in fee simple, every mortgagee of record, all individuals, associations and corporations who have an interest of record in the property, and any individual, association or corporation in possession of the property. The phrase "any individual, association or corporation in possession of the property" is intended to include persons who occupy real property under any recognized form of tenancy.

(Code 1982, § 10-125; Ord. No. 6775, § 1, 9-3-1985; Ord. No. 7247, § 1, 6-15-1987; Ord. No. 13337, § 1, 11-20-2006; Ord. No. 13602, § 1, 5-22-2008)

Sec. 26-185. - Chronic violator defined; notice of violation; remedies.

- (a) *Chronic violator defined.* A chronic violator is a person who owns property whereupon, in the previous calendar year, the city issued a notice of violation pursuant to [section 26-184](#) at least two times due to conditions prohibited by this article.
- (b) *Annual notice to chronic violator.* The housing code administrator may notify a property owner who is a chronic violator as defined in subsection (a) of this section that, if the violator's property is found to be in violation of this article, the city may, without further notice in the calendar year in which the notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The annual notice shall be served by registered or certified mail and regular mail. If the owner of the property refuses to accept notice of the violation, or if the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then the notice shall be posted on the property in question and published one time in a newspaper of general distribution in the city.

(Ord. No. 13008, § 2(10-125.1), 10-4-2004; Ord. No. 13601, § 1, 5-22-2008)

PART II - CODE OF ORDINANCES
Chapter 26 - ENVIRONMENT, LITTER, VANDALISM AND POLLUTION

ARTICLE VI. - REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY

Sec. 26-186. - Hearing and appeal; city self help remedy.

- (a) If the property owner does not correct the conditions in the notice of violation (includes an order) issued pursuant to [section 26-184\(a\)](#), then the housing code administrator shall have authority to enter the premises involved and correct the conditions. However, within the time period to correct the conditions as set forth in [section 26-184\(a\)](#), the owner may appeal the findings to the housing appeals board by giving written notice of the appeal to the housing code administrator to stay the abatement of the nuisance (prohibited conditions) by the housing code administrator until a final determination by the housing appeals board. In the event no appeal is taken, the housing code administrator may proceed to correct the conditions.
- (b) The housing code administrator shall place the appeal on the agenda of the housing appeals board within a reasonable time. The housing appeals board may, after hearing all interested persons and reviewing the findings of the housing code administrator, reverse the finding and order made pursuant to [section 26-184\(a\)](#); but if the housing appeals board shall determine that the findings of the housing code administrator are correct and proper, it shall adopt an order affirming the determination of the housing code administrator and specifically declaring the conditions existing on the property to be a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and a public nuisance and directing the housing code administrator to cause the conditions to be abated.

(Ord. No. 13008, § 2(10-126), 10-4-2004)

Sec. 26-187. - Collection of cost of enforcement.

- (a) After correction of the conditions (abatement of nuisance) as provided in [section 26-186](#), the cost of abatement, together with interest of eight percent per annum accruing thereon, shall constitute a lien against the property and shall have the same priority and be collected in the same manner as unpaid ad valorem taxes upon such property.
- (b) The cost of enforcement is also a lien on any other real property owned by the property owner, where such property is located within the city limits or within one mile of the city limits, except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the owner can show that the violation was created solely by the actions of another or if the owner prevails in an appeal as set forth in [section 26-186](#)
- (c) In the alternative, in the discretion of the city, the cost of enforcement may be recovered as a civil penalty by the city in a civil action in the nature of debt as provided in G.S. 160A-175(c).

(Ord. No. 13008, § 2(10-127), 10-4-2004)

Sec. 26-188. - Remedies.

This article may be enforced by any one, all, or a combination of the remedies described below or elsewhere in this article or otherwise authorized by common law or statute. Such statutes include but are not limited to G.S. 160A-175.

(Ord. No. 13008, § 2(10-128), 10-4-2004)

PART II - CODE OF ORDINANCES
Chapter 26 - ENVIRONMENT, LITTER, VANDALISM AND POLLUTION

ARTICLE VI. - REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY

Sec. 26-189. - Criminal penalties.

It shall be unlawful for any person to fail to comply with any final order or direction of the housing code administrator or housing appeals board made by virtue and in pursuance of this article. Every day such person shall fail to comply with any final order or other direction shall constitute a separate and distinct offense. Such violation shall constitute a misdemeanor or infraction, as provided by G.S. [14-4](#). The maximum fine for each violation shall be \$500.00.

(Ord. No. 13008, § 2(10-129), 10-4-2004)

Sec. 26-190. - Civil penalty.

Any owner who fails to comply with any of the provisions of this article shall be subject to a civil penalty in the amount of \$100.00 for the first day of noncompliance and \$10.00 for each day thereafter. This penalty may be recovered by the city in a civil action in the nature of a debt if the owner does not pay the same within 30 days after the initial day of noncompliance.

(Ord. No. 13008, § 2(10-130), 10-4-2004; Ord. No. 13337, § 3, 11-20-2006)

Sec. 26-191. - Administrative fee.

Any owner of a property within the city who fails to correct the prohibited conditions within the time specified in [section 26-184\(a\)](#) shall be subject to an administrative fee set by the city council in addition to any other charge. This fee allows the city to recover some of its administrative costs incurred due to the owner's failure to comply with [section 26-184\(a\)](#).

(Ord. No. 13337, § 2, 11-20-2006; Ord. No. 13574, Pt. 1, 4-7-2008)

Secs. 26-192—26-218. - Reserved.

FOOTNOTE(S):

⁽¹⁵⁾ **Charter reference**— Removal of trash, weeds, etc., § 63. [\(Back\)](#)

⁽¹⁵⁾ **State Law reference**— General authority to enact regulatory ordinances, G.S. 160A-174 et seq.; to abate public health nuisances, G.S. 160A-193. [\(Back\)](#)